

**Encourage to Arrest Advisory Council
October 8, 2004
Dull Knife Memorial College in Lame Deer**

Attendees: Jace Killsback, Shirl Pinto Robinson, Judge Pedro Hernandez, Eleanor Guerrero, Marilyn Hollister, Donetta Klein, Dr. Richard Littlebear, Dana Runsabove, Pauline Eaglefeathers, Matt Dale, and Joan Eliel

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The Advisory Council's Five Goals

1. Address the inadequate reporting of Orders of Protection and firearm disqualifications into CJIN and NCIC.
2. Address the non-uniformity of the Full Faith and Credit training within the state.
3. Grow the use of the Protection Order cover sheet.
4. Bring about the active support and commitment from the major participants.
5. Initiate and support key legislation.

ELEANOR GUERRERO'S HANDBOOK REPORT AND TRAINING UPDATE

Eleanor is working on a handbook to be used by law enforcement and kept in the patrol cars. It is an abbreviated copy of the Full Faith and Credit Manual. The Law Enforcement Academy has plans to work on their own Sexual Assault Response Manual, but would like to distribute the FFC Handbook in their basic classes. Eleanor will meet with the BIA Academy trainer to request that our manual and handbook be included in the BIA training. Judge Hernandez pointed out that Yellowstone County law enforcement still treat requests for Protection Orders as a "family issue."

Feedback and suggestions are invited on the draft handbook:

- Judge Hernandez said to use tabs to make it easy to locate different sections, and not to make the typeface any smaller. He also suggested it be made a spiral notebook.
- Joan suggested the draft handbook be sent to law enforcement that have received Eleanor's training and ask for their feedback.
- Eleanor will also ask for suggestions about the handbook at her upcoming trainings in Great Falls and Billings.
- Any other ideas for additions, deletions or changes are invited. Give them to Eleanor.

Training update:

- Eleanor has done 9 trainings recently, three of which had region-wide attendance, from Kalispell to the Crow Reservation. Average attendance was 50 people each. All were well received and the hosts asked for additional trainings – The Northern Cheyenne training was held over two days and hosted by the Dull Knife Memorial College. Many law enforcement staff attended, as did Judge Robinson, and victim services staff. The president of the College asked for a return visit.
- The training in Kalispell was a regional one, but the Salish Kootenai weren't able to attend.
- The police department and a few county sheriffs attended the Missoula training.
- We held a Justice of the Peace training in Red Lodge; 95 JPs attended.
- I worked with the Courts of Limited Jurisdiction Clerks at a gathering in Butte.

JUDGE HERNANDEZ'S RECAP OF DV TRAINING HELD FOR THE COURTS OF LIMITED JURISDICTION

The Judge attended training on Full Faith and Credit in Santa Fe and a similar training in Bozeman at the COLJ conference. There were role-plays and the laws in different states were reviewed.

Each state has to adopt the Violence Against Women Act; federal law has mandated it, but some states have not.

The greatest threat to an officer's life is a family disturbance. We have found out – and are trying to stress to officers – to watch out for themselves, their partners, and the people in the home. We're up against the attitude that "it's just a family affair".

Honoring Orders of Protection (OOPs) strives to stop the violence by separating the perpetrator and victim and taking one person out of the home. We were instructed, as judges, to encourage people to go back to the judge and ask for a restraining order and a formal complaint of assault. The police's way of handling cases ... of 30 petitions for Temporary Restraining Orders (TROs), ten had identical information and the police said they couldn't do anything.

The majority of people who come in are not very literate. I direct them to a victim witness advocate. Domestic violence has increased in numbers. Judge Herman had 7 trials on protection orders and I had 10 in one week recently. We are registering 7 to 10 cases per day, and we don't grant them all. I ask "Are you in fear of immediate irreparable harm or injury?" I learned to ask if there needs to be a referral or immediate action.

In my years on the bench, I've read enough about domestic violence calls and law enforcement deaths resulting from DV interventions. I had the experience myself with knives and guns pulled on me. Radio dispatch doesn't use the term "domestic violence". They call them "family problems". I don't know how to help them get away from this. To this day, this attitude exists and has for 30 years. Children attacking officers in this situation has also become common.

There is no respect for our Orders. They told us to treat it and talk about it as a serious crime. We have a shelter that is supposed to be a secret location. Ours is downtown with a big sign. When a woman comes in she shows the staff her OOP; they are close to law enforcement. Officers don't know to keep her location confidential.

SHIRL PINTO ROBINSON'S REVIEW OF THE DV SERVICES ON THE LAME DEER RESERVATION

There is a staff of about 6 people in the Northern Cheyenne Prosecutor's Office. Both Pauline Eaglefeathers and Shirl are advocates. They also have a DV prosecutor, Meredith McConnell, who handles all the DV cases and arraignments, coordinates our DV trainings, and works with our DV legal advocate, Cheryl Lawrence, who files our OOPs and goes to court with the victims. Doris Sequi prosecutes adult criminal cases, supervises staff, and oversees the budget. Ernie Robinson, our assistant prosecutor, handles adult cases, arraignments, trials, and helps walk-ins with questions and upcoming hearings. Delberta Eagleman handles the juvenile cases, works with families, and also has a very high caseload.

There is a 5 to 10 day waiting period. We assist victims by going to court with them and letting them know we're here for them. We provide 24-hour victim assistance with police, go to the Emergency Room, and make sure they are safe. We stress confidentiality. Sometimes we use police for assistance, such as to go to her home to pick up personal belongings. We take women to the Billings safe home, but the perpetrators know where they are so many say they want to go out of state. We arrange meals for them at Dull Knife College and the café at the casino. We provide diapers and personal hygiene items. We also contact the shelter, provide phone access, transport to the hospital and court, and transport her children. We help her fill out her TRO. She knows she can call on us after hours and on weekends.

We record her visit to maintain her history and our grant statistics report. We do follow-up work with them whether they go to a shelter or not. We go to their homes.

Matt: Do you feel at risk because the man is there?

Shirl: Yes, you have to be aware and alert. Sometimes we'll ask them to meet somewhere away from the house. Other times we go with law enforcement. If we know he is in jail, we can go in safely.

Matt: Can the court order batterer's treatment?

Shirl: Yes, sometimes they don't show up.

Dana: A men's batterer group was started on our Reservation by a police officer. Then an offender kept it going.

Jace: We're more concerned about incarceration than positive behavior. Maybe we should take men off the Reservation instead of asking women to leave for their protection. I'm worried about alcoholism. We need to start with young kids and teach them about this in schools.

Consequences for both parties? Does all the burden fall on women if there is alcohol involved? Shirl: We do referrals to a counselor if we think they need help. Jace: The healing part is needed.

Marilyn: Do you ever advise people with OOP to take them to the sheriff's office off the reservation? Jace and Dana: They don't acknowledge them. I've done it with our Justice of the Peace. It helps but we don't get that cooperation.

Matt: If it were registered in both places it would help. Marilyn is the Clerk and she is offering you just one more arrow in the quiver, one more protective factor.

Marilyn: Do your OOP have an ending date? Dana: Most of ours are permanent but it's only assumed.

Matt: This is what our coversheet is about, too, consistency across the state.

Eleanor: If the court orders would be entered into NCIC, it would help. Coversheets

came out in 2002 and trainings have been carried out with courts of limited jurisdiction.

Marilyn: If the judges say, “take this to your sheriff,” they will.

Joan: Marilyn is suggesting using the county’s officers; then the orders will be entered into NCIC. Then their OOP will be in the system for law enforcement to see.

Matt: It’s in everybody’s best interest to get the OOP registered themselves via an adjoining county, or through the state.

Eleanor: Use the machines if you have them.

MATT DALE - FUNDING UPDATE

Funding for the program has been renewed for another two years. Any help we can provide to the Reservation efforts we are glad to provide.